



**CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

ENTERED

**THE DATE OF ENTRY IS ON
THE COURT'S DOCKET**

The following constitutes the ruling of the court and has the force and effect therein described.

Signed December 7, 2021

Stacy H. C. Jones
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹
Debtor.

CHARITABLE DAF FUND, L.P. AND CLO
HOLDCO, LTD.

Plaintiff,

VS.

HIGHLAND CAPITAL MANAGEMENT, L.P.,
HIGHLAND HCF ADVISOR, LTD., AND
HIGHLAND CLO FUNDING, LTD.,
Defendants.

§ Chapter 11

§ Case No. 19-34054-sgj11

§

§

§

§

§ Adversary Proceeding No.

§

§ Case No. 21-03067-sgj

ORDER ON MOTION TO STRIKE REPLY APPENDIX

¹ The Debtor's last four digits of its taxpayer identification number are (8357). The headquarters and service address for the above-captioned Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

This matter having come before the Court on the *Motion to Strike Reply Appendix* [Docket No. 47] (the “Motion”)² filed by Charitable DAF Fund, L.P., and CLO Holdco, Ltd., the plaintiffs in the above-captioned adversary proceeding, and this Court having considered (i) the Motion; (ii) *Defendant Highland Capital Management, L.P.’s Opposition to Motion to Strike Reply Appendix* [Docket No. 48]; and (iii) the arguments made during the hearing held on November 23, 2021; and; and upon all of the proceedings had before this Court, and after due deliberation and sufficient cause appearing therefor, and for the reasons set forth in the record on this Motion, **IT IS ORDERED, ADJUDGED, AND DECREED THAT**

1. The Motion was filed to strike the *Appendix in Support of Debtor’s Reply in Support of the Debtor’s Motion to Enforce the Order of Reference* [Docket No. 43], filed concurrently with *Debtor’s Reply in Support of Debtor’s Motion to Enforce the Order of Reference* [Docket No. 42].

2. In light of the *Order of Reference* [Docket No. 64] entered by the District Court enforcing Miscellaneous Order No. 33, the Motion is dismissed as MOOT.

3. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

END OF ORDER

² Capitalized terms used but not herein defined shall have the meanings ascribed to such terms in the Motion.

United States Bankruptcy Court
Northern District of Texas

Charitable DAF Fund, LP,
Plaintiff
Highland Capital Management, LP,
Defendant

Adv. Proc. No. 21-03067-sgj

CERTIFICATE OF NOTICE

District/off: 0539-3

User: admin

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Date Rcvd: Dec 07, 2021

Form ID: pdf023

Total Noticed: 5

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 09, 2021:

Recip ID	Recipient Name and Address
aty	+ Ira D Kharasch, 10100 Santa Monica Boulevard, 13th Floor, Los Angeles, CA 90067-4003
aty	+ Jeffrey N. Pomerantz, Pachulski Stang Ziehl & Jones LLP, 10100 Santa Monica Blvd., 13th Floor, Los Angeles, CA 90067-4114
aty	+ Jonathan W. Jordan, Brobeck Phleger & Harrison, 4801 Plaza on the Lake, Austin, TX 78746-1073
aty	+ Judith Elkin, Pachulski Stang Ziehl & Jones, 780 Third Avenue, 34th Floor, New York, NY 10017-2024

TOTAL: 4

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpregion06.da.ecf@usdoj.gov	Dec 07 2021 21:20:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 09, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 7, 2021 at the address(es) listed below:

Name	Email Address
Gregory V. Demo	on behalf of Defendant Highland Capital Management LP gdemo@pszjlaw.com, jo'neill@pszjlaw.com;lJones@pszjlaw.com;jfried@pszjlaw.com;ikharasch@pszjlaw.com;jmorris@pszjlaw.com;jpomerantz@pszjlaw.com;hwinograd@pszjlaw.com;kyee@pszjlaw.com;lsc@pszjlaw.com

District/off: 0539-3
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User: admin
Form ID: pdf023

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Total Noticed: 5

Hayley R. Winograd	on behalf of Defendant Highland Capital Management LP hwinograd@pszjlaw.com
John A. Morris	on behalf of Defendant Highland Capital Management LP jmorris@pszjlaw.com
Jonathan E. Bridges	on behalf of Plaintiff Charitable DAF Fund LP jeb@sbaitilaw.com
Jonathan E. Bridges	on behalf of Plaintiff CLO Holdco Ltd. jeb@sbaitilaw.com
Mazin Ahmad Sbaiti	on behalf of Plaintiff CLO Holdco Ltd. mas@sbaitilaw.com, krj@sbaitilaw.com;jeb@sbaitilaw.com;mgp@sbaitilaw.com
Mazin Ahmad Sbaiti	on behalf of Plaintiff Charitable DAF Fund LP mas@sbaitilaw.com, krj@sbaitilaw.com;jeb@sbaitilaw.com;mgp@sbaitilaw.com
Melissa S. Hayward	on behalf of Defendant Highland Capital Management LP MHayward@HaywardFirm.com, mholmes@HaywardFirm.com
Paul Richard Bessette	on behalf of Defendant Highland CLO Funding Ltd. pbessette@KSLAW.com, ccisneros@kslaw.com;jworsham@kslaw.com;kbryan@kslaw.com;jcarvalho@kslaw.com
Robert Joel Feinstein	on behalf of Defendant Highland Capital Management LP rfeinstein@pszjlaw.com
Zachery Z. Annable	on behalf of Defendant Highland Capital Management LP zannable@haywardfirm.com

TOTAL: 11